

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: KELLY ET AL. Examiner: UNKNOWN  
Serial No.: 10/647,833 Group Art Unit: 1648  
Filed: AUGUST 25, 2003 Docket: 11757.44US11  
Confirmation No.: UNKNOWN Customer No.: 23552  
Due Date: NOVEMBER 25, 2003  
Title: ANTIBACTERIAL THERAPY FOR MULTI-DRUG RESISTANT BACTERIA

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 21, 2003.

By:   
Name: Sheryl A. Boerboom

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



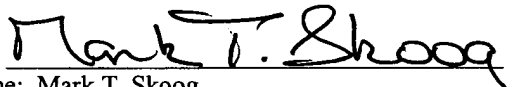
Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Information Disclosure Statement, Form 1449
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.  
P.O. Box 2903, Minneapolis, MN 55402-0903  
612.332.5300

By:   
Name: Mark T. Skoog  
Reg. No.: 40,178  
MSkoog:sab



S/N 10/647,833

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	KELLY ET AL.	Examiner:	UNKNOWN
Serial No.:	10/647,833	Group Art Unit:	1648
Filed:	AUGUST 25, 2003	Docket No.:	11757.44USII
Confirmation No.:	UNKNOWN	Customer No.:	23552
Title:	ANTIBACTERIAL THERAPY FOR MULTI-DRUG RESISTANT BACTERIA		

CERTIFICATE UNDER 37 CFR 1.8:

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By:

Name: Sheryl A. Boerboom

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted within three months of the filing date of the above-identified application, which is not an application under 37 C.F.R. § 1.53(d). Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

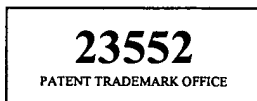
In accordance with 37 C.F.R. §1.98(d), a copy of each document or other information listed on the enclosed Form 1449 is not provided because it was previously cited by or submitted to the U.S. Patent and Trademark Office in parent application, U.S. Serial No. 09/834,162 filed on April 12, 2001.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a

reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.



Respectfully submitted,

MERCHANT & GOULD, P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Dated: Nov 21, 2003

By: Mark T. Skoog  
Mark T. Skoog  
Reg. No. 40,178

FORM 1449\*

## INFORMATION DISCLOSURE STATEMENT

IN AN APPLICATION

(Use several sheets if necessary)

Docket Number:

11757.44US11

Application Number:

10/647,833

Applicant: KELLY ET AL.

Filing Date: AUGUST 25,  
2003

Group Art Unit: 1648

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,660,812	8/1997	MERRIL ET AL.			
	5,688,501	11/1997	MERRIL ET AL.			
	5,766,892	6/1998	MERRIL ET AL.			
	5,811,093	9/1998	MERRIL ET AL.			

## FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	WO 96/07756	03/14/1996	PCT				
	WO 98/08944	03/03/1998	PCT				

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Voss, A. et al., <u>International Journal of Antimicrobial Agents</u> , 5:101-106 (1995)
	McGeer, A. et al., <u>LPTP Newsletter</u> , 190:1-4 (1996)
	Smith, T.L., <u>New Eng. J. Med.</u> , 340(7):493-501 (1999)
	Parker, M.T., <u>Methods in Microbiology</u> , Vol. 7B, New York and London: Academic Press (1972)
	Smith, H.W. et al., <u>J. of Gen. Microbiol.</u> , 128(Pt 2):307-318 (1982)
	Merril, C.R. et al., <u>Proc. Natl. Acad. Sci. USA</u> , 93(8):3188-3192 (1996)
	Pantucek, R. et al., <u>Virology</u> , 246(2):241-252 (1998)

23552

PATENT TRADEMARK OFFICE

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.